

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

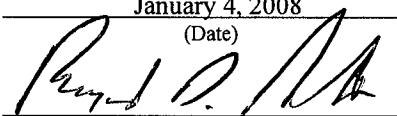
Applicant : Singh-Gill et al.
 Appl. No. : 10/580,147
 Filed : May 18, 2006
 For : SYNTHETIC MOLECULES
 HAVING IMMUNE ACTIVITY
 Examiner : Unknown
 Group Art Unit : 1646

CERTIFICATE OF EFS WEB TRANSMISSION

I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

January 4, 2008

(Date)



Raymond D. Smith, Reg. No. 55,634

RENEWED PETITION UNDER 37 CFR 37 C.F.R. § 1.497(d)

Mail Stop PCT
 Commissioner for Patents
 Office of Legal Administration
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This communication is a renewed request in response to the attached Decision on Request under 37 C.F.R. § 1.497(d) to correct under 37 C.F.R. § 1.497(d) the original naming of inventors as set forth in published International Application PCT/NZ2004/000293, filed November 18, 2004, which corresponds to the above-named National Phase application.

Please add the following person as inventor of this application.

Gavin Painter
 5 Mahoe Street
 Lower Hutt 5010
 Wellington, New Zealand

Submitted herewith is a Consent of Assignee under 37 C.F.R. § 3.73(b) to add Gavin Frank Painter as an inventor. Also attached is a copy of the previously submitted Statement of Gavin Painter under 37 C.F.R. § 1.497(d)(1) that the error in inventorship occurred without deceptive intention on his part.

Appl. No. : 10/580,147
Filed : May 18, 2006

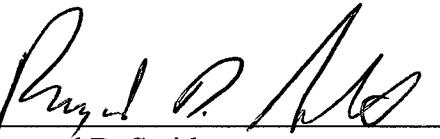
Since the petition fee was previously paid, no additional payment is required. However, if necessary, please charge any additional fees to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4 January 2008

By:



Raymond D. Smith
Registration No. 55,634
Agent of Record
Customer Number 20,995
(805) 547-5580

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

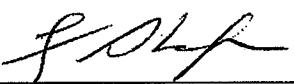
Applicant : Singh-Gill, Gurmit et al.
 App. No. : 10/580,147
 Filed : May 18, 2006
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 Examiner : Unknown
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CONSENT OF ASSIGNEE UNDER 37 C.F.R. 3.73(b)

The undersigned is empowered to act on behalf of the Assignee of the above-named application, The Malaghan Institute of Medical Research ("Assignee"). The Assignee represents that it is the 100% owner of the above-referenced application by virtue of the attached assignment. The Assignee hereby consents to the addition of the following inventor:

Gavin Frank Painter
 5 Mahoe Street
 Lower Hutt 5010
 Wellington, New Zealand

Dated: 17/12/07

By: 

Name: *GRAHAM LIE GRES.

Title: * DIRECTOR.

The Malaghan Institute of Medical Research
 Mein Street, Newtown
 Wellington, New Zealand

4538904
 111407

Malaghan Institute of Medical Research.
 PO Box 7060
 Wellington 6242
 New Zealand

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Singh-Gill et al.
Appl. No. : 10/580,147
Filed : May 18, 2006
For : SYNTHETIC MOLECULES
HAVING IMMUNE ACTIVITY
Examiner : Unknown
Group Art Unit : 1646

STATEMENT OF GAVIN FRANK PAINTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

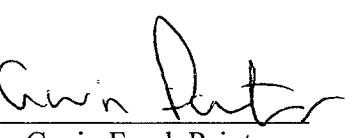
I, Gavin Frank Painter, declare as follows:

1. I am a citizen of New Zealand, residing at 5 Mahoe Street, Lower Hutt 5010, Wellington, New Zealand.
2. I was not listed as an inventor of the subject matter claimed in published International Application WO 2005/049631, filed November 18, 2004.
3. I believe that I should have been named as an inventor, and that my exclusion as a named inventor when the international application was filed was due to an inadvertent error and without deceptive intention.
4. I have signed a Declaration that has been submitted in the present U.S. National Phase application asserting that I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SYNTHETIC MOLECULES HAVING IMMUNE ACTIVITY.

5. I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the above-referenced patent.

Dated: 11th October 2007

4265858; 091307

Signed: 

Gavin Frank Painter

08 NOV 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Knobbe Martens Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of
SINGH-GILL, et al.
Application No.: 10/580,147
PCT No.: PCT/NZ04/00293
Int. Filing Date: 18 November 2004
Priority Date: 18 November 2003
Attorney Docket No.: AJPARK38.001APC
For: SYNTHETIC MOLECULES HAVING IMMUNE
ACTIVITY

DECISION ON
REQUEST UNDER
37 CFR 1.497(d)

This decision is in response to applicant's "REQUEST TO CORRECT INVENTORSHIP" filed 24 October 2007 in the United States Patent and Trademark Office (USPTO). The request is being considered pursuant to 37 C.F.R. 1.497(d). Applicant has provided payment of the \$130.00 petition fee.

BACKGROUND

On 18 November 2004, applicant filed international application PCT/NZ0400293, which claimed priority of an earlier application filed 18 November 2003. A copy of the international application was communicated to the United States on 02 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 18 May 2006.

On 18 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First Preliminary Amendment.

On 30 March 2007, applicant filed an executed declaration of the inventors which included an additional inventor, Gavin Painter who was not identified as an inventor on the published international application.

On 24 August 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The notification pointed out the addition of inventor Painter.

On 24 October 2007, applicant filed the present petition to add Gavin Painter as an inventor in the above-identified application.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1)-(3). However, applicant has not provided the written consent of the assignee in compliance with 37 CFR 3.73(b). In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

D. A. Putonen
Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459